



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 02  
26 Federal Plz Ste 3614  
New York, NY 10278-3699

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (212)264-0300  
Fax: (212)264-2450

September 26, 2013

Re: Local 32BJ SEIU  
(SL Green)  
Case No. 02-CB-109716

Dear [REDACTED]

We have carefully investigated and considered your charge that SEIU Local 32BJ has violated Section 8(b)(1)(A) of the National Labor Relations Act, as amended.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

The evidence adduced in the investigation shows you complained to the Union that the Employer reassigned you to different tasks in a different area at your work location. You lost no pay, benefits or seniority, nor does it appear that your work load significantly increased. Unions are permitted a wide range of discretion in deciding the merits of grievance. In the instant case the evidence does not establish that the Union was unlawfully motivated or arbitrary in the handling of your grievance. Rather, it appears that the Union lawfully exercised its discretion in concluding that your grievance did not warrant further processing. Inasmuch as the evidence did not establish that the Union violated the Act as alleged or in any other manner encompassed by your charge, I am dismissing your charge.

**Your Right to Appeal:** You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at [www.nlr.gov](http://www.nlr.gov). However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

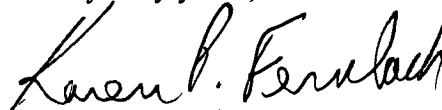
**Means of Filing:** An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

**Appeal Due Date:** The appeal is due on **October 10, 2013**. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than October 9, 2013.

**Extension of Time to File Appeal:** Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to [www.nlrb.gov](http://www.nlrb.gov), click on **E-File Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202)273-4283. A request for an extension of time to file an appeal **must be received on or before October 10, 2013**. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

**Confidentiality:** We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



Karen P. Fernbach  
Regional Director

Enclosure

cc National Labor Relations Board  
Attn: General Counsel  
Office of Appeals  
1099 14<sup>th</sup> Street, NW  
Washington, DC 20570

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